

## **Finnegan, Ann**

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**From:** Finnegan, Ann  
**Sent:** Tuesday, November 08, 2016 9:11 AM  
**To:** 'Robert Fixter'  
**Cc:** Cheryl Coffee; Field, Eileen L (FIELDE@coned.com)  
**Subject:** RE: Notification of receipt of load from Con Ed with concerns about possible TSCA PCB's

Thank you for that information. I will review it all and get back to you if I have further questions.  
Ann

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
finnegan.ann@epa.gov

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**From:** Robert Fixter [mailto:bfixter@cleaneearthinc.com]  
**Sent:** Monday, November 07, 2016 12:03 PM  
**To:** Finnegan, Ann <Finnegan.Ann@epa.gov>  
**Cc:** Cheryl Coffee <ccoffee@cleaneearthinc.com>; Field, Eileen L (FIELDE@coned.com) <FIELDE@coned.com>  
**Subject:** RE: Notification of receipt of load from Con Ed with concerns about possible TSCA PCB's

Ann, load was disposed of, see below

As a follow up to my e mail sent Friday 11/4/16 regarding a load manifested by Con Edison as hazardous , D008, lead flush to CENJ on 10/20/16. Con Ed notified CENJ on Friday 11-4-16 that a Clean Venture truck , Vac-188, had manhole sediment in it that contained a load from a manhole that in 2014 had one quart of dielectric fluid that had > 500 ppm of PCB's in it as determined from a wipe test taken from manhole , MH-18077. This manhole was cleaned out on 10/20/16 and arrived at CENJ combined with waste from 16 other manholes that were pumped out all into the same truck, Vac-188. CENJ received this load and through our inbound quality control testing found this load to contain < 1 ppm of PCB's, see attached copy of inbound QC. This load had free water that was pumped off and managed as waste water. This water was co-mingled with other waste waters and shipped to Tradebe's Meriden facility on 10/21/16 under manifest number 014738089JJK. Tradebe's inbound QC for this load, copy attached, is showing < 2 ppm of PCB's. The remaining sediment in the inbound truck was stabilized at CENJ and co-mingled with other hazardous D008 waste that was also stabilized. The resultant batch was shipped off site to GROWS landfill in Morrisville, PA on 10/21/16 under manifest numbers 5125688 through 5125694, a total of 7 loads.

Robert Fixter  
General Manager

Clean Earth of North Jersey  
115 Jacobus Ave. Kearny NJ 07032  
T 973-344-4004 x 272 | C 973-477-1232 | F 973-344-1493  
[rfixter@cleaneearthinc.com](mailto:rfixter@cleaneearthinc.com) | [www.cleaneearthinc.com](http://www.cleaneearthinc.com)

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**From:** Finnegan, Ann [mailto:Finnegan.Ann@epa.gov]  
**Sent:** Monday, November 07, 2016 9:00 AM  
**To:** Robert Fixter  
**Cc:** Cheryl Coffee  
**Subject:** RE: Notification of receipt of load from Con Ed with concerns about possible TSCA PCB's

Thank you. Please let me know the status of this load, if it is being stored, rejected, or has been disposed. I would appreciate if you could include any accompanying paperwork.

Thank you for your cooperation on this matter.

Ann F.

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

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**From:** Robert Fixter [<mailto:bfixter@cleaneearthinc.com>]

**Sent:** Friday, November 04, 2016 5:19 PM

**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>

**Cc:** Cheryl Coffee <[ccoffee@cleaneearthinc.com](mailto:ccoffee@cleaneearthinc.com)>

**Subject:** Notification of receipt of load from Con Ed with concerns about possible TSCA PCB's

Ann, I am writing this e mail to inform you that today Con Edison notified us of a load that was shipped with Con Ed as generator to CENJ on 10/20/16 that may contain TSCA regulated PCB's but was manifested as RCRA lead (D008) waste. I understand that Con Ed, through Eileen Field, previously notified you of this same issue. CENJ is currently doing an investigation on this load and will notify you with additional information once obtained. If you may have any questions please contact me at your earliest convenience.

Robert Fixter  
General Manager

Clean Earth of North Jersey  
115 Jacobus Ave. Kearny NJ 07032  
T 973-344-4004 x 272 | C 973-477-1232 | F 973-344-1493  
[rfixter@cleaneearthinc.com](mailto:rfixter@cleaneearthinc.com) | [www.cleaneearthinc.com](http://www.cleaneearthinc.com)

This e-mail and any files transmitted with it may be confidential and are the property of Clean Earth. If you are not the intended recipient of this communication, please notify the sender as soon as possible and delete the email. Thank you (any other use, retention, dissemination, forwarding, or printing of this email is not ethical and should be prohibited)

This e-mail and any files transmitted with it may be confidential and are the property of Clean Earth. If you are not the intended recipient of this communication, please notify the sender as soon as possible and delete the email. Thank you (any other use, retention, dissemination, forwarding, or printing of this email is not ethical and should be prohibited)



11-16-16

From Bob Fixter

Clean Earth NJ

re Con Ed waste

→ status -

problems with EPA?

need to know what's going on

- waste not able to be isolated  
at landfill

- inbound QA From truck

was less than 1 ppm

→ will send

analysis to me

outbound (obviously) less than

1 ppm too

- sludge was commingled with  
other sludge before  
it went to Crows

stabilized with kiln

dust or portland

cement

(lead protocol)

15% of  
batch

- landfill + wastewater plant are "on  
pins + needles" waiting to hear  
what EPA will do

send me analysis + summary and i will send to Reg's 1 + 3 ✓

11-16-16  
2

→ why manifest 826 left off  
Clean Earth 10/20/16 ticket?

it is listed as the  
main manifest for tracking  
"Remarks" section lists  
other 16 manifest

Grows doesn't do  
testing - rely  
on Clean Earth testing



Cycle  
chem  
violation

11/7/16

to Lynn Bengeson  
con Ed

just got another disclosure  
→ Fold all together

4 cases now

may not pursue all  
but not decided yet

do want to pursue informal action

discussed manifesting rules, etc

will review new  
violation

make decision on all

4 cases

+ call her back



October 25, 2016

Via E-Mail

Ms. Ann Marie Finnegan  
TSCA Enforcement Coordinator  
U.S. Environmental Protection Agency  
Region 2  
Raritan Depot  
2890 Woodbridge Avenue  
Mail Code MS105  
Edison, New Jersey 08837-3679

Re: Consolidated Edison Company of New York, Inc. -- PCB  
Manifesting Matter

Dear Ms. Finnegan:

We write on behalf of Consolidated Edison Company of New York, Inc. (Con Edison) to set forth our interpretation of the regulations pertaining to the manifesting of Polychlorinated Biphenyl (PCB) waste codified at 40 C.F.R. Part 761, the PCB Regulations. As a law firm that focuses extensively on domestic and international chemical regulation, including the law and policy of the Toxic Substances Control Act (TSCA), we share with you a deep understanding and appreciation of TSCA and its regulatory purpose.

Con Edison has a distinguished reputation for its environmental stewardship and commitment to fostering continuous improvement in all things environmental. As a regulated utility, Con Edison's institutional familiarity with TSCA Section 6, and the U.S. Environmental Protection Agency's (EPA) implementation of it, has long been an important part of Con Edison's environmental compliance and stewardship program, and Con Edison works hard to ensure that its management of PCB materials strictly complies with these regulations.

We understand that you have been considering Con Edison's compliance with the requirements of 40 C.F.R. Section 761.207(a). Specifically, we understand EPA has suggested that when PCB and other wastes are gathered and commingled from several distinct points of generation by a single tanker truck, an "aggregate total" of the PCB waste must be calculated and a consolidated PCB manifest must be prepared and provided to the designated treatment, storage, and disposal facility (TSDF), in addition to the manifests prepared at each generation point. The purpose of this letter is to provide a summary of our review of the relevant regulatory aspects of this issue and the basis for our conclusion that Con Edison has complied with the applicable regulatory requirements for the preparation of manifests for PCB waste.





Ms. Ann Marie Finnegan  
October 25, 2016  
Page 2

Section 761.207, of course, addresses the general manifest requirements. We disagree with a construction of the regulation that would require generators or transporters of PCB waste to prepare an additional manifest to reflect an “aggregate total” of PCB waste in a commingled load and can find no basis for such construction in the regulation, in EPA’s preamble text, in EPA’s Question & Answer document, or elsewhere. Section 761.207(a)(1), states that: “(1) For each bulk load of PCBs, the identity of the PCB waste” must be specified by the generator. Our careful review of the specific manifests at issue here<sup>1</sup> confirms that each manifest was prepared accurately and in strict compliance with the regulation. For each “bulk load” of PCB waste collected at different locations, the generator separately identified the waste by unique waste generator ID number, characterized the PCB waste accurately, and otherwise satisfied each and every provision set forth in Section 761.207(a) when completing the manifests. Review of the information described in the manifests enabled the designated TSDF to satisfy readily its requirements under the PCB regulations. These provisions require the TSDF properly to manage the PCB waste, including accurate recordkeeping of waste quantities. *See* Sections 761.65; 761.180(b)(2). The failure of the designated TSDF to comply with these provisions here should not result in an additional burden on generators or transporters.

Nowhere found in the controlling regulation is an explicit or implicit requirement that the “last” generator in a series of PCB and non-PCB waste pickups destined for a designated TSDF calculate an “aggregate total” of PCB waste and prepare an additional manifest. Indeed, as a practical matter, doing so invites conduct that is potentially unlawful and not countenanced by EPA or the Office of Management and Budget (OMB). To our knowledge, there is no OMB authorization for the generation of such an additional waste manifest. There is, for example, no Paperwork Reduction Act authorization or EPA Information Collection Request authorization for the collection of such information. Furthermore, such a requirement would result in a double-counting of waste and a corresponding unwarranted increase in applicable taxes. Whether or not the same entity owns or controls each of the generation points and the transportation vehicle does not change this analysis.

Alternatively, if the generator of the PCB waste at the last point of collection were required to reflect the “aggregate total” of all PCB waste collected previously from other generators assigned unique generator ID numbers, and comingled in a single tanker truck, that generator would be required essentially to misrepresent the total for this last “bulk load” of PCB waste destined for the designated TSDF. Such an “aggregate total” would not reflect the amount of waste actually collected at the last point of collection, as separately identified by its unique generator ID number. Such a practice would confound the whole purpose of the manifest system

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<sup>1</sup> Manifest Tracking Numbers: 015712799, 015712800, 015869513, 015869521, 015869519, 015869517, 015869514, and 015869518.



Ms. Ann Marie Finnegan  
October 25, 2016  
Page 3

under TSCA and the Resource Conservation and Recovery Act (RCRA), which assures the ability to track waste from the specific point of generation to the point of disposal.

In short, the regulatory construction that we understand is under consideration places waste generators in an untenable position. They must either not comply with applicable regulations by misrepresenting the actual volume and origin of the waste, or they must generate new information and record it on an additional manifest, the use of which is neither authorized in the regulations nor approved by OMB. Furthermore, this is unnecessary given that the regulatory framework already places the obligation to review and aggregate multiple accurate manifests squarely on the party that is in the best position to do so -- the disposal and storage facilities. Shifting this obligation to generators and transporters as they go along would not help regulatory compliance and instead would increase the likelihood of inaccurate reporting and improper disposal of PCB waste.

We would welcome an opportunity to discuss this matter with you and look forward to hearing from you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lynn L. Bergeson', with a long horizontal flourish extending to the right.

Lynn L. Bergeson

cc: David A. Brooks, Esquire (via e-mail)



10-17-16

FromDavid Brook, Esq. / Kevin Klesh, Esq.  
Con Ed

Cycle Chem issue

nothing to absolve them from  
liabilitymanifesting is the "transfer  
to the transporter"no - it's transporting off  
your site to a  
storage facilityConed. transferring it from  
manhole to the  
truck needs manifest

→ no!

didn't relinquish control

→ those words are  
out of the rig nowdon't understand their confusion  
resp is clear





load

Con Ed did that

DB- FIX?

one manifest for whole  
load at end -/cent.  
sheet?

AF- that would work for us,  
or write PCB on each one

DB- manifesting regs changed  
in 2012

no longer discusses  
"inquiry central"  
↓

DB- encumbent upon storage facility  
to identify it all as  
PCB waste, not the

generator

AF - Both!

look in Q + A manual

milken

intracompany transfers

10/3/16  
3

DB - will put together  
our thoughts &  
send them for  
consideration

AF - OK by Oct 17<sup>th</sup>

discussed in formal  
process, etc.



August 25, 2016

Chief, Pesticides and Toxic Substances Branch  
USEPA - Region II  
2890 Woodbridge Avenue  
Edison, New Jersey 08837-3679

RE: Unmanifested Waste Report

Dear Chief,

Cycle Chem, Inc. is sending this report as required in 40 CFR 761.211.

A.	Facility	Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07206 NJD002200046	
B.	Date Received:	8/18/16	
	Shipping Paper	various, multi-sites	
C.	Generator:	Consolidated Edison of NY 16041 Bronxdale Ave. Bronx, NY 10462	Site: various
D.	Transporter:	Consolidated Edison of NY. NYD006982359	
E.	Waste Description:	manhole cleanouts	
F.	Treatment Method:	Storage For Disposal	
G.	Total Quantity:	1306 gallons	
H.	Explanation for	Generator/Transporter filled vac truck 61103 with non-pcb material from various sites before vac truck was decontaminated from a previous TSCA pcb load. As a result generator/transporter classified this load as TSCA regulated pcb material.	
	Shipment:		
I.	Certification:	James Butler Regulatory Compliance Officer	



Signature

- disclosure -

11/7/16

Elken Field Con Ed  
Went Field st + Seneca Ave Queen  
manifest should have  
had PCB but only said lead

016335826 JJK

Oct 13 Flush cleanup  
PCBs over 500 ppm

test results  
prior to cleanup  
but not used  
when Flush was  
done

16 other manifests w/it  
all non-PCB  
outside under did cleanouts  
Vendor truck Clean Venture  
17 total locations

Oct 20 went to Clean Earth  
OFFloaded  
water separated + sent  
to md (truck)  
sludge stabilized + sent  
to Grows (trucks)

11/2/16  
2

did go back & do  
over 500 ppm cleanout

helping dixon clean Ventura  
truck & disposing  
material correctly

sampling was done by \_\_\_\_\_?  
date? \_\_\_\_\_

this was one of the first  
manholes visited

- need incoming  
manifests

- need outgoing  
manifests

- need analytical



**Finnegan, Ann**

**From:** Little, Craig <LITTLECr@coned.com>  
**Sent:** Thursday, September 22, 2016 5:10 PM  
**To:** Finnegan, Ann  
**Cc:** Field, Eileen L  
**Subject:** Con Edison - Coal Tar Wrap 180 Storage Exceedance

Storage  
violation

Dear Ann,

During our September 20, 2016 discussion, Con Edison self-reported that we had exceeded the 180 day temporary storage limit for PCB containing coal tar wrap, required by EPA in the attached variance letter dated September 21, 2012. Con Edison began accumulating PCB containing coal tar wrap in a single 20 cubic yard container at our College Point Service Center, 124-15 31st Ave, Flushing NY 11354, on November 23, 2015 and an estimated 20 cubic yards of such waste was removed for transport to a properly licensed third-party disposal facility on September 19, 2016.

Our review of this incident indicates that this was an isolated incident. Regardless, we are taking steps to help prevent this from happening again. These steps include revising our inspection form to more clearly emphasize the 180 day storage limit and increasing awareness of this 180 day storage time limit with any new employees involved with the process.

Please feel free to contact me with any questions related to this issue.

Thank you.

Craig Little  
Section Manager  
Environmental Management  
4 Irving Place – 15NE  
New York, NY 10003  
(w) 212-460-2278  
(c) 347-203-3823  
conEd.com

→ all gone offsite now



10/3/16

Craig Little  
Con Ed

212 460 2278

coal for wrap

got our disclosure?

all waste offsite now

→ not sure how/if  
enforcement might go  
have to speak to mgt.

Con Ed has several  
open issues now  
so may add up

## **Finnegan, Ann**

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**From:** Little, Craig <LITTLECr@coned.com>  
**Sent:** Monday, January 09, 2017 12:42 PM  
**To:** Finnegan, Ann  
**Subject:** RE: Con Edison - Coal Tar Wrap 180 Storage Exceedance <External Sender>

Good afternoon Ann,

The location where the coal tar wrapped pipe was sent is 110 Sand Company Landfill, a municipal solid waste landfill, located in Melville, NY. The location accepts only C&D waste and some nonhazardous contaminated soils, brush, and non-friable asbestos. Their New York State solid waste permit is current and due to expire on 9/30/20.

Please feel free to contact me with any questions.

Craig Little  
Section Manager  
Environmental Management  
4 Irving Place – 15NE  
New York, NY 10003  
(w) 212-460-2278  
(c) 347-203-3823  
conEd.com



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**From:** Finnegan, Ann [mailto:Finnegan.Ann@epa.gov]  
**Sent:** Thursday, January 5, 2017 4:00 PM  
**To:** Little, Craig  
**Subject:** RE: Con Edison - Coal Tar Wrap 180 Storage Exceedance <External Sender>

Thanks. Can you tell me anything about the disposal facility?

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

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**From:** Little, Craig [mailto:LITTLECr@coned.com]  
**Sent:** Thursday, January 05, 2017 2:41 PM  
**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>  
**Subject:** RE: Con Edison - Coal Tar Wrap 180 Storage Exceedance <External Sender>

Good afternoon Ann,



I must apologize for not submitting this earlier. I was just now going through my past emails and realized that I forgot to send the attached to you.

Please let me know if you have any questions.

Have a great day.

Craig Little  
Section Manager  
Environmental Management  
4 Irving Place – 15NE  
New York, NY 10003  
(w) 212-460-2278  
(c) 347-203-3823  
conEd.com



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**From:** Finnegan, Ann [<mailto:Finnegan.Ann@epa.gov>]  
**Sent:** Thursday, December 15, 2016 3:39 PM  
**To:** Little, Craig  
**Subject:** RE: Con Edison - Coal Tar Wrap 180 Storage Exceedance <External Sender>

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EXTERNAL SENDER. Do not click on links if sender is unknown and never provide user ID or pass

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Craig,  
Following up on this issue – can you tell me the approximate weight of the waste? Actually, please send me a copy of the manifest used to ship it offsite for disposal.  
Thanks.  
Ann

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

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**From:** Little, Craig [<mailto:LITTLECr@coned.com>]  
**Sent:** Thursday, September 22, 2016 5:10 PM  
**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>  
**Cc:** Field, Eileen L <[FIELDE@coned.com](mailto:FIELDE@coned.com)>  
**Subject:** Con Edison - Coal Tar Wrap 180 Storage Exceedance

Dear Ann,

During our September 20, 2016 discussion, Con Edison self-reported that we had exceeded the 180 day temporary storage limit for PCB containing coal tar wrap, required by EPA in the attached variance letter dated September 21, 2012. Con Edison began accumulating PCB containing coal tar wrap in a single 20 cubic yard container at our College Point Service Center, 124-15 31st Ave, Flushing NY 11354, on November 23, 2015 and an estimated 20 cubic yards of such waste was removed for transport to a properly licensed third-party disposal facility on September 19, 2016.

Our review of this incident indicates that this was an isolated incident. Regardless, we are taking steps to help prevent this from happening again. These steps include revising our inspection form to more clearly emphasize the 180 day storage limit and increasing awareness of this 180 day storage time limit with any new employees involved with the process.

Please feel free to contact me with any questions related to this issue.

Thank you.

Craig Little  
Section Manager  
Environmental Management  
4 Irving Place – 15NE  
New York, NY 10003  
(w) 212-460-2278  
(c) 347-203-3823  
conEd.com



**Finnegan, Ann**

**From:** Schulz, Susan  
**Sent:** Sunday, July 03, 2016 5:33 PM  
**To:** Finnegan, Ann  
**Subject:** FW: EPA PCB 24-hour E-Mail Notification; Over 50ppm PCB in Soil

SELF-disclosure  
Farrington

Farrington  
violation

**From:** EH&S-DESK [mailto:EH&S-DESK@coned.com]  
**Sent:** Saturday, July 02, 2016 2:03 AM  
**To:** Schulz, Susan <Schulz.Susan@epa.gov>; dl - EH&S Control Desk <ehscontroldesk@coned.com>  
**Cc:** dl - ERRT <dl-errt@coned.com>; Little, Craig <LITTLECr@coned.com>; Drummings, Anthony <DrummingsA@coned.com>; Schweitzer, Karl <SchweitzerK@coned.com>  
**Subject:** EPA PCB 24-hour E-Mail Notification; Over 50ppm PCB in Soil

**Consolidated Edison of NYC**

EH&S Response & Reporting Team  
Building #138  
31-01 20<sup>th</sup> Avenue  
Astoria, NY 11105

Susan Schulz  
USEPA Facilities Region 2  
Raritan Depot  
2890 Woodbridge Avenue  
Edison, NJ 08837-3679  
732-321-6669

Re: Over 50 ppm PCB's discovered in an accumulation of 3 roll-off containers

Dear Ms. Schulz,

At 16:30 on June 1<sup>st</sup>, 2016, a Con Edison returned lab results of 111 ppm of PCBs from three-20 yard roll-offs of contaminated soil. This soil was not associated to any particular spill, so there was no spill report generated. The soil in the containers was accumulated from numerous different structures. The estimated total PCBs in total of 19.9 pounds was calculated by multiplying the lab results by the approximated total weight of the soil in the three roll-offs, which were at Farrington Street Flush Facility. Since then, the roll-offs have been transported to Clean Earth Disposal Facility at 24 Middlesex Avenue, Carteret, New Jersey 07008, where they were quarantined pending analysis. The soil will now need to be disposed of as hazardous, greater than 50 ppm of PCBs, which will require a manifest to be generated.

Samples of the soil were collected from the three roll-offs for PCB analysis at and returned a result yesterday afternoon at 16:30 of **111 ppm for PCB's**.

The source of the PCBs and the oil will be investigated.

For further information contact the Con Edison EH&S Response and Reporting Team at (212) 580-8383. Thank you.



Respectfully,

Consolidated Edison of New York  
EH&S Response and Reporting Team  
Field Response and Planning  
31-01 20th Avenue, Building- 138  
Long Island City, New York 11105  
(212) 580-8383  
[EH&S-DESK@coned.com](mailto:EH&S-DESK@coned.com)

**Finnegan, Ann**

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**From:** Schulz, Susan  
**Sent:** Thursday, July 07, 2016 1:40 PM  
**To:** Finnegan, Ann  
**Subject:** FW: 246686/6/Farrington St Flush Facility/Spill - Oil Reportable/

Never got one of these before. Can you handle?

-----Original Message-----

**From:** CESQLPROD@coned.com [mailto:CESQLPROD@coned.com]  
**Sent:** Thursday, July 07, 2016 1:39 PM  
**To:** Schulz, Susan <Schulz.Susan@epa.gov>  
**Cc:** DL-CIGNotification@coned.com  
**Subject:** 246686/6/Farrington St Flush Facility/Spill - Oil Reportable/

CIG Notification From Kenneth Reinhart

The following regulatory bodies were notified:  
- Environmental Protection Agency

EMIS ID: 246686/6

A Spill - Oil Reportable Incident occurred at Farrington St Flush Facility.  
Location Description: Flush Pits

slote

Status: Pending - Cleanup

The following substances were involved:  
- 0.01 Unknown of Unknown Oil -  
  Contained: 0.01 Unknown  
  Released : 0 Unknown  
  Medium : Concrete-Walled and Concrete/Clay Bottom Structure

The following Business Units are involved:  
- Queens Electric Operations (Administration)  
- Queens Electric Operations (Cause)  
- Queens Electric Operations (Clean up)

The incident was created on 7/2/2016 4:34:00 PM by Richard Slote.  
The incident was discovered on 07/01/2016 16:30 by Craig Little.  
The incident was reported on 07/02/2016 16:30 by Craig Little.  
The incident was last modified on 07/03/2016 07:42 by Paul Walsh.

The incident was initially described as:  
At 16:30 on July 1st, 2016, a Con Edison returned lab results of 111 ppm of PCBs from three-20 yard roll-offs of contaminated soil. This soil was not associated to any particular spill, so there was no spill report generated. The soil in

the containers was accumulated from numerous different structures. The estimated total PCBs in total of 19.9 pounds was calculated by multiplying the lab results by the approximated total weight of the soil in the three roll-offs, which were at Farrington Street

Sewer/Water Affected: N

Fire/Smoke: N

Private Property Affected: N

Injured Person: N

Precipitation: N

The source of the incident was Unknown.

The incident occurred because of Unknown due to Unknown.

Structure Type: None

Structure ID: None

Equipment Type: None

Equipment ID: None

CE Vehicle No: None

Plate No: None

Do sample results exist? No

Corrective Actions: None

Stop Date & Time:

For more information, please click on the link below:

<https://intapps3.coned.com/EMIS/Incidents/Incident/Index/246686>



Farrington



July 7, 2016

US EPA Region 2  
290 Broadway  
New York, New York 10007-1866

RE: Unmanifested Waste Report: APV101593 & APV101595

Dear Sir/Madam:

Based upon requirements of 40 CFR Part 761.211, please accept this un-manifested waste report.

Facility's EPA ID Number, Name and Address: NJD991291105  
Clean Earth of North Jersey  
105 Jacobus Avenue  
South Kearny, NJ 07032

Generator's EPA ID Number, Name and Address: EPA ID Number: NYD987010964  
Con Ed  
124-15 31<sup>st</sup> St  
Flushing, NY 11354

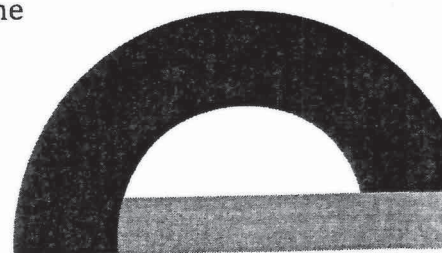
Facility Received Shipment: 6/29/16

Transporter's EPA ID Number and Name: EPA ID Number: NJD003812047  
Allstate Power Vac, Inc.

Description and Quantity of Un-manifested Waste:  
Generator shipped 3 Roll off containers, 44,000 lbs. each, on line one of Non Haz manifests APV101595, APV101594, and APV101593 classified as Non TSCA regulated material, NJDEP ID27 solid waste.

Explanation of Why the Waste Material was Unmanifested:  
Generator classified waste as Non TSCA regulated, Non Hazardous waste. Through initial QC/QA testing, it was determined that the level of PCB's in two containers was >50 ppm (166.7 & 65 ppm) CENJ sent samples to a 3<sup>rd</sup> party lab for testing, and it was determined that the level of PCB's in the waste material from manifest APV101593 was >50 ppm (111 ppm) and that the waste should be managed as a TSCA regulated waste. The level of PCBs in the other two containers came back at <50 ppm.

Waste disposition: CENJ is awaiting direction from the Generator on the management of the waste material.



Sincerely,



Danyella Coffey, EHS Manager, Phone 973-344-4004 ext. 279

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Joseph Barone, Operations Manager, Phone (973) -344-4004 ext. 241

7-7-13

to Con Ed  
waste report 3 roll offs

MR. Felix Cancel

→ new "HelpDesk" setup  
(cancel & coned.com)  
trying to find info

I need:

- initial analytical
- paperwork
- Clean Earth analysis
- still there? where?

→ will look it up &  
get back to us



**Finnegan, Ann**

---

**From:** Finnegan, Ann  
**Sent:** Thursday, July 07, 2016 1:46 PM  
**To:** 'fcancel@coned.com'  
**Subject:** FW: 246686/6/Farrington St Flush Facility/Spill - Oil Reportable/

Felix,

This seems to be the same incident as we discussed, but some of the information has changed.

Were you able to track down the information I requested?

Thanks

Ann F.

Ann Finnegan, TSCA Enforcement Coordinator USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
finnegan.ann@epa.gov

-----Original Message-----

**From:** Schulz, Susan  
**Sent:** Thursday, July 07, 2016 1:40 PM  
**To:** Finnegan, Ann <Finnegan.Ann@epa.gov>  
**Subject:** FW: 246686/6/Farrington St Flush Facility/Spill - Oil Reportable/

Never got one of these before. Can you handle?

-----Original Message-----

**From:** CESQLPROD@coned.com [mailto:CESQLPROD@coned.com]  
**Sent:** Thursday, July 07, 2016 1:39 PM  
**To:** Schulz, Susan <Schulz.Susan@epa.gov>  
**Cc:** DL-CIGNotification@coned.com  
**Subject:** 246686/6/Farrington St Flush Facility/Spill - Oil Reportable/

CIG Notification From Kenneth Reinhart

The following regulatory bodies were notified:

- Environmental Protection Agency

EMIS ID: 246686/6

A Spill - Oil Reportable Incident occurred at Farrington St Flush Facility.  
Location Description: Flush Pits

slote

Status: Pending - Cleanup

The following substances were involved:

→ 7/7/16  
con ed  
contact -  
Ken Reinhart  
718 204-4251  
→ researching this  
will get back  
to us  
ReinhartK@coned.com



- 0.01 Unknown of Unknown Oil -  
Contained: 0.01 Unknown  
Released : 0 Unknown  
Medium : Concrete-Walled and Concrete/Clay Bottom Structure

The following Business Units are involved:

- Queens Electric Operations (Administration)
- Queens Electric Operations (Cause)
- Queens Electric Operations (Clean up)

The incident was created on 7/2/2016 4:34:00 PM by Richard Slote.

The incident was discovered on 07/01/2016 16:30 by Craig Little.

The incident was reported on 07/02/2016 16:30 by Craig Little.

The incident was last modified on 07/03/2016 07:42 by Paul Walsh.

The incident was initially described as:

At 16:30 on July 1st, 2016, a Con Edison returned lab results of 111 ppm of PCBs from three-20 yard roll-offs of contaminated soil. This soil was not associated to any particular spill, so there was no spill report generated. The soil in the containers was accumulated from numerous different structures. The estimated total PCBs in total of 19.9 pounds was calculated by multiplying the lab results by the approximated total weight of the soil in the three roll-offs, which were at Farrington Street

Sewer/Water Affected: N

Fire/Smoke: N

Private Property Affected: N

Injured Person: N

Precipitation: N

The source of the incident was Unknown.

The incident occurred because of Unknown due to Unknown.

Structure Type: None

Structure ID: None

Equipment Type: None

Equipment ID: None

CE Vehicle No: None

Plate No: None

Do sample results exist? No

Corrective Actions: None

Stop Date & Time:

For more information, please click on the link below:

<https://intapps3.coned.com/EMIS/Incidents/Incident/Index/246686>

7-18-16  
1

to Ken Reinhart Con Ed.  
(917) 273 1495

- waste group is putting together  
a report for EPA

coned, clean earth, &  
independent lab each  
sampled

\* original test was  
composite was ND  
but all subsequent  
sampling showed  
1270  
5 ppm to 150 ppm

Flush Facilities - dry  
out material that  
comes out of manhole  
or vault

water/mud/debris  
is spread out &  
dried then  
shipped off  
clean earth put in  
→ separate containers  
con Ed gave CE test results  
that said less than 1 ppm

CE Found PCBs

7-18-16  
2

thinks it was wet for  
Con Ed + dry weight  
For Clean Earth

across the board Con Ed results  
were lower than Clean  
Earth, but consistent  
in which containers  
were higher/lower than  
others

where is material now?  
at Clean Earth last week  
where will it go?

→ will find out  
+ call me back

7-18-16  
1

Tom Teeling Con Ed  
(212) 460 3770

(calling back for  
Ken Reinhardt)

sorry for confusion

- preparing report now
- now?

Clean Earth - put waste  
in railcars (gondolas)  
going to Enelle  
for TSCA disposal

- Clean Earth sent unmanifested  
waste report  
→ send me a copy!

- \* - did sample First + got ND  
debris from underground  
structures

stockpile  
grab samples → composited  
got below 1 ppm

- Clean Earth composited it  
each rolloff  
modified 80/82



7-18-16  
2

- Clean Earth resampled  
got lower results  
under 50 ppm  
Contd got 15, 42, 11 ppm

- trying to figure out  
how this happened !!  
lots of people  
reviewing  
searching for a source

(Craig Little  
on paternity  
leave)

(Eric Dessen  
looking at it)

**Finnegan, Ann**

---

**From:** Teeling, Thomas <TEELINGT@coned.com>  
**Sent:** Tuesday, July 19, 2016 11:39 AM  
**To:** Finnegan, Ann  
**Subject:** FW: Response to questions about Farrington Flush Facility - pcb contaminated sediments shipped to Clean Earth of North Jersey, Inc. - correction  
**Attachments:** DOC (3).PDF

Ann,

Correction to my phone number. Yesterday I provide an incorrect area code (202), it should be (212). My correct office phone number is 212-460-3770. I can also be reached on my cell phone at (917)417-5354.

Tom Teeling

---

**From:** Teeling, Thomas  
**Sent:** Monday, July 18, 2016 5:31 PM  
**To:** 'finnegan.ann@epa.gov'  
**Subject:** FW: Response to questions about Farrington Flush Facility - pcb contaminated sediments shipped to Clean Earth of North Jersey, Inc.

As per our conversation today, the responses to your questions regarding the status of the sediment are listed below. Since determination on 6/30/16, that the rollofs contained PCBs, the waste has been managed by Clean Earth as TSCA regulated PCB/PCB Source Waste.

Where is the sediment now?

The sediment is still on-site at the Clean Earth of North Jersey facility.

How is it being stored?

07/15/2016, the sediments were stored transferred from the original lined and tarped rolloff containers into a covered railroad gondola car at the Clean Earth of North Jersey facility in preparation for off-site disposal.

How will the waste be disposed?

The sediments will be disposed in the TSCA permitted landfill at the Chemical Waste Management Landfill in Emelle, Alabama.

Attached is a copy of the Unmanifested PCB Waste Report submitted by Robert Fixter of Clean Earth of North Jersey to the US EPA for the three rollofs of Farrington flush facility sediment shipped to Clean Earth on 6/29/2016.

Con Edison is preparing a letter to the Department which will provide the remaining details regarding this incident.

Please contact me at (202) 460-3770 if you have any questions.

Tom Teeling

---

**From:** Robert Fixter [<mailto:bfixter@cleaneearthinc.com>]  
**Sent:** Tuesday, July 12, 2016 11:40 AM

**To:** Teeling, Thomas

**Subject:** unmanisted waste report <External Sender>

EXTERNAL SENDER. Do not click on links if sender is unknown and never provide user ID or password.

This e-mail and any files transmitted with it may be confidential and are the property of Clean Earth. If you are not the intended recipient of this communication, please notify the sender as soon as possible and delete the email. Thank you (any other use, retention, dissemination, forwarding, or printing of this email is not ethical and should be prohibited)

will be sent soon

o corrective action plan

SE. → trying to Figure out a way to sample better way  
no answer yet

not ready to commit to any new plan yet

no timetable yet

o may never find source

AP → come up with a timeframe to report to us on their search for better sampling scheme

side note:

Cyber Chem did notify them of manifesting/disposal issue from last week



**Finnegan, Ann**

---

**From:** Knob, Richard <KNOBR@coned.com>  
**Sent:** Wednesday, July 27, 2016 1:38 PM  
**To:** Finnegan, Ann  
**Cc:** Knob, Richard  
**Subject:** Con Edison PCB Cleanup - June 29, 2016  
**Attachments:** Con Edison PCB Cleanup - June 29, 2016.pdf

Good Afternoon. Attached is the report that we had promised.

Please contact me or Eileen Field at (212) 460-1099 if you have any further questions or need any additional information

Regards,

*Richard J. Knob*

EH&S Environmental Management  
Con Edison Company of New York, Inc.  
31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)  
Long Island City, NY 11105  
Office (718) 204-4122  
Cell (646) 784-5715



Farrington

Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York NY 10003  
www.conEd.com

July 27, 2016

Ms. Ann Finnegan  
TSCA Enforcement Coordinator  
U.S. Environmental Protection Agency - Region 2  
2890 Woodbridge Avenue (MS 105)  
Edison, NJ 08837

Reference: Con Edison PCB Cleanup - June 29, 2016  
Farrington Street Flush Truck Waste Transfer Facility  
31-43 Farrington Street, Flushing, NY 11354  
EPA ID #: NYD987010964

Dear Ms. Finnegan:

In response to your call requesting additional information related to Con Edison's June 29, 2016 PCB cleanup at its Farrington Street Flush Truck Waste Transfer Facility, located at 31-43 Farrington Street, Flushing, New York ("Farrington Flush Facility"), Con Edison provides the following brief summary.

On June 25, 2016, Allstate Power Vac removed solid waste (comprised primarily of dirt/debris) from the Farrington Flush Facility and transported it in three roll-off containers to Clean Earth of North Jersey in Kearny, New Jersey ("Clean Earth") for disposal. This waste, which was generated from the cleaning of underground electric structures, had been placed at the Farrington Flush Facility between May 14, 2016 and June 13, 2016. The three roll-off containers arrived and were accepted at Clean Earth on June 29, 2016. Prior to off-loading, Clean Earth collected and performed PCB analyses on composite samples taken from each of the three roll-off containers. Clean Earth informed Con Edison that those sample results were 166.7; 65; and 19.4 ppm PCBs (wet basis). Clean Earth quarantined the three roll-off containers. Con Edison shut down the Farrington Flush Facility and notified EPA Region II, the NRC, NYSDEC, and NYCDEP. The waste in all three roll-off containers will be managed as TSCA waste and will be disposed of at Chemical Waste Management in Emelle, AL.

Prior to Allstate Power Vac picking up the waste from the Farrington Flush Facility, Con Edison had collected a composite sample based on a standard protocol agreed with the NYSDEC (using a dry basis). That sample result was less than 1 ppm PCBs. Once Allstate Power Vac had notified Con Edison of Clean Earth's above-noted PCB results, Con Edison requested a re-analysis by Clean Earth as Clean Earth's results had been analyzed on a wet basis.

Clean Earth sent the original three samples to a third party lab for analysis. Clean Earth informed Con Edison that the results of this third party lab analysis, received on July 1, 2016, were 111; 32.1; and 4.86 ppm PCB (dry basis).

On July 3, 2016, Con Edison completed a double wash and rinse of all areas of the Farrington Flush Facility that came into contact with the waste. Weekly wastewater sampling results from the Farrington Flush Facility, taken from May 15, 2016 through June 19, 2016, indicated no PCBs in the facility's sewer discharges.

To identify the potential source of PCBs, Con Edison reviewed available information regarding the 435 underground structures that had been cleaned from May 14, 2016 through June 13, 2016 and from which waste had been taken to the Farrington Flush Facility. This review indicated that none of these structures contained visible oil when they were cleaned and none of these structures contained any equipment with known PCB concentrations equal to or greater than 50 ppm. During its records review, Con Edison did identify one vault, (V1056) located at 168-22 91 Avenue in Queens, which had a 4 ppm PCB sample result from May 17, 2016 when the structure was cleaned and a 235 ppm PCB sample result from June 11, 2016 when the structure was being prepared for the removal and replacement of the transformer located in the vault. This structure, which may have been the source of PCBs at the Farrington Flush Facility, was double washed and rinsed on June 14, 2016 following removal of the transformer from the vault.

Con Edison is in the process of reviewing its standard composite sampling protocol to evaluate whether any changes are necessary or would be helpful.

Please contact Richard Knob at (718) 204-4122 or Eileen Field at (212) 460-1099 if you have any further questions or need any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Will Wash", with a long horizontal flourish extending to the right.

William Washington  
General Manager, BQ Electric Operations  
Consolidated Edison Company of New York, Inc.

**Finnegan, Ann**

---

**From:** Finnegan, Ann  
**Sent:** Wednesday, September 07, 2016 2:05 PM  
**To:** 'Knob, Richard'  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Thank you for the update. Please continue to keep me informed, as we agreed.  
Ann

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
finnegan.ann@epa.gov

---

**From:** Knob, Richard [mailto:KNOBR@coned.com]  
**Sent:** Wednesday, August 31, 2016 11:27 AM  
**To:** Finnegan, Ann <Finnegan.Ann@epa.gov>  
**Cc:** Knob, Richard <KNOBR@coned.com>  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Ann,

As discussed on the phone today, Con Edison is performing an expanded sampling program at our Farrington Facility over 3 months. This entails analyzing the two halves of the solid debris pile for PCBs and comparing these results to our normal sampling protocol. Our first month of analyses shows that our normal sampling protocol is sufficient. We will continue this investigation for 2 more months and I will update you at the end of next month.

Please contact me if you have any questions.

Regards,

*Richard J. Knob*

EH&S Environmental Management  
Con Edison Company of New York, Inc.  
31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)  
Long Island City, NY 11105  
Office (718) 204-4122  
Cell (646) 784-5715

---

**From:** Finnegan, Ann [mailto:Finnegan.Ann@epa.gov]  
**Sent:** Wednesday, July 27, 2016 2:23 PM  
**To:** Knob, Richard  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

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Thank you. I will get back to you after I have reviewed this.

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

---

**From:** Knob, Richard [<mailto:KNOBR@coned.com>]  
**Sent:** Wednesday, July 27, 2016 1:38 PM  
**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>  
**Cc:** Knob, Richard <[KNOBR@coned.com](mailto:KNOBR@coned.com)>  
**Subject:** Con Edison PCB Cleanup - June 29, 2016

Good Afternoon. Attached is the report that we had promised.

Please contact me or Eileen Field at (212) 460-1099 if you have any further questions or need any additional information

Regards,

*Richard J. Knob*

EH&S Environmental Management  
Con Edison Company of New York, Inc.  
31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)  
Long Island City, NY 11105  
Office (718) 204-4122  
Cell (646) 784-5715

Good Afternoon. Attached is the report that we had promised.

Please contact me or Eileen Field at (212) 460-1099 if you have any further questions or need any additional information

Regards,

*Richard J. Knob*

EH&S Environmental Management

Con Edison Company of New York, Inc.

31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)

Long Island City, NY 11105

Office (718) 204-4122

Cell (646) 784-5715

**Finnegan, Ann**

---

**From:** Finnegan, Ann  
**Sent:** Monday, October 03, 2016 10:28 AM  
**To:** 'Knob, Richard'  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Thank you for the update. Let's talk at the end of the sampling program and see where we are at that point.

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
finnegan.ann@epa.gov

---

**From:** Knob, Richard [mailto:KNOBR@coned.com]  
**Sent:** Friday, September 30, 2016 8:56 AM  
**To:** Finnegan, Ann <Finnegan.Ann@epa.gov>  
**Cc:** Knob, Richard <KNOBR@coned.com>  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Good Morning Ann. Con Edison has completed the 2<sup>nd</sup> of a 3-month expanded sampling program at our Farrington Facility. To date, these analyses shows that our normal sampling protocol is sufficient. We will continue this investigation for one more month and will give you our conclusion at the end of next month.

Please contact me if you have any questions.

Regards,

*Richard J. Knob*

EH&S - Senior Scientist  
Con Edison Company of New York, Inc.  
31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)  
Long Island City, NY 11105  
Office (718) 204-4122  
Cell (646) 784-5715

---

**From:** Finnegan, Ann [mailto:Finnegan.Ann@epa.gov]  
**Sent:** Wednesday, September 07, 2016 2:05 PM  
**To:** Knob, Richard  
**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Thank you for the update. Please continue to keep me informed, as we agreed.  
Ann

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837

(732) 906-6177 fax (732) 321-6788

[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

---

**From:** Knob, Richard [<mailto:KNOBR@coned.com>]

**Sent:** Wednesday, August 31, 2016 11:27 AM

**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>

**Cc:** Knob, Richard <[KNOBR@coned.com](mailto:KNOBR@coned.com)>

**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

Ann,

As discussed on the phone today, Con Edison is performing an expanded sampling program at our Farrington Facility over 3 months. This entails analyzing the two halves of the solid debris pile for PCBs and comparing these results to our normal sampling protocol. Our first month of analyses shows that our normal sampling protocol is sufficient. We will continue this investigation for 2 more months and I will update you at the end of next month.

Please contact me if you have any questions.

Regards,

*Richard J. Knob*

EH&S Environmental Management

Con Edison Company of New York, Inc.

31-01 20<sup>th</sup> Avenue, ChemLab Bldg (#138)

Long Island City, NY 11105

Office (718) 204-4122

Cell (646) 784-5715

---

**From:** Finnegan, Ann [<mailto:Finnegan.Ann@epa.gov>]

**Sent:** Wednesday, July 27, 2016 2:23 PM

**To:** Knob, Richard

**Subject:** RE: Con Edison PCB Cleanup - June 29, 2016 <External Sender>

---

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---

Thank you. I will get back to you after I have reviewed this.

Ann Finnegan, TSCA Enforcement Coordinator

USEPA Region 2

2890 Woodbridge Avenue

Edison, NJ 08837

(732) 906-6177 fax (732) 321-6788

[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)

---

**From:** Knob, Richard [<mailto:KNOBR@coned.com>]

**Sent:** Wednesday, July 27, 2016 1:38 PM

**To:** Finnegan, Ann <[Finnegan.Ann@epa.gov](mailto:Finnegan.Ann@epa.gov)>

**Cc:** Knob, Richard <[KNOBR@coned.com](mailto:KNOBR@coned.com)>

**Subject:** Con Edison PCB Cleanup - June 29, 2016



12/13/16  
1

From

Eileen Field Con Ed

Farrington Flush  
update

3rd month sampling same as  
First two

analyzed pile in quadrants  
got to back of  
container this time  
because it was half  
Full  $\Rightarrow$  better sampling,  
consistent sample results

AF  $\rightarrow$  take samples as container  
is being filled? she <sup>will</sup> look  
<sub>into</sub> it

AF  $\rightarrow$  structures should be sampled  
before waste is taken out  
Con Ed  $\rightarrow$  sampled only if  
there is oil present  
any oily sludge over  $\sim 1\%$   
can't even be taken  
there to Farrington

## **Finnegan, Ann**

---

**From:** Finnegan, Ann  
**Sent:** Monday, February 13, 2017 2:59 PM  
**To:** lbergeson@lawbc.com  
**Subject:** FW: information request

Lynn,  
Apologies again – I actually neglected to include a second topic.

*If possible*, can you please be prepared to discuss and document the origin of the waste that was manifested from the Farrington Flush Station on June 25, 2016? This shipment is the subject of ConEd's July 27, 2016 letter to EPA. Apparently this waste came from the cleanout of various underground structures and was placed at the Farrington Flush Station between May 14, 2016 and June 13, 2016. Please provide copies of any manifest, shipping paper, etc. that documents the transfer from the structures to Farrington, along with any analytical results you may have for the waste.

I know this is last minute. If you cannot gather these documents in time for our meeting, we can continue that part of the discussion at a later date, no problem.

Thank you for your cooperation in this matter.  
I look forward to meeting with you on Wednesday.

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
finnegan.ann@epa.gov

---

**From:** Finnegan, Ann  
**Sent:** Monday, February 13, 2017 2:44 PM  
**To:** lbergeson@lawbc.com  
**Subject:** information request

Lynn,  
I apologize for springing this on you at the last moment, but can I ask that you bring some cost information to our meeting?  
Specifically, EPA would like to know ConEd's cost of disposal for the material that was :

(1) sent to Cycle Chem on the eight manifests that are the topic of our discussion (7-16-16 to 7-19-16). It was a total of 791 kg of material that was "converted" to 91,625 kg through comingling and stabilization and then disposed at the GROWS facility(s) in PA

(2) sent to Clean Earth on the sixteen manifests that are the topic of our further discussion (10-13-16 to 10-20-16). It was a total of 13,791 kg that was "converted" through comingling and stabilization and then disposed at the GROWS facility(s) in PA. I do not yet have clear copies of the manifests from Clean Earth to GROWS, and so do not know the full final amount of material disposed. If ConEd has these manifests, I would ask that you bring them along also.

If you have questions on this request, please feel free to contact me.  
Ann

Ann Finnegan, TSCA Enforcement Coordinator  
USEPA Region 2  
2890 Woodbridge Avenue  
Edison, NJ 08837  
(732) 906-6177 fax (732) 321-6788  
[finnegan.ann@epa.gov](mailto:finnegan.ann@epa.gov)



## **Finnegan, Ann**

---

**From:** Field, Eileen L <FIELDE@coned.com>  
**Sent:** Monday, December 19, 2016 11:58 AM  
**To:** Finnegan, Ann  
**Subject:** Farrington Flush summary

Dear Ms. Finnegan,

In response to your request during our conversation on December 13, 2016, Con Edison provides the following brief summary related to the June 29, 2016 PCB cleanup at its Farrington Street Flush Truck Waste Transfer Facility, located at 31-43 Farrington Street, Flushing, New York ("Farrington Flush Facility"). This information was previously provided in a letter dated July 27, 2016. Based on a review of the sampling protocol for the solid waste pile at the Farrington Flush Facility conducted over the past several months, Con Edison is also providing a description of proposed modifications to the sampling protocol.

### **Summary**

On June 25, 2016, Allstate Power Vac removed three roll-off containers of solid waste from the Farrington Flush Facility and delivered them to Clean Earth of North Jersey in Kearny, New Jersey. Con Edison sampled the waste prior to transport in accordance with the standard protocol described below and the results were <1 ppm PCB (dry basis). The waste was then sampled for acceptance at Clean Earth and the results were 166.7; 65; and 19.4 ppm PCB (wet basis). Subsequently, a third party lab was used to analyze Clean Earth's three samples which yielded results of 111; 32.1; and 4.86 ppm PCB (dry basis). After receipt of the third party sample results, the waste in all three roll-off containers was managed as TSCA waste and disposed of at Chemical Waste Management in Emelle, Alabama.

The waste contained in the aforementioned roll-off containers included waste from the cleaning of underground electric structures between May 14, 2016 and June 13, 2016. To identify the potential source of PCBs, Con Edison reviewed available information regarding these structures and did identify one transformer vault, V1056, which may have been the source of PCBs. This structure had a 4 ppm PCB result from a sample taken on from May 17, 2016. The structure was cleaned and the waste was transported to the Farrington Flush Facility. Although that sampling did not identify PCBs above 50 ppm, sampling taken on June 11, 2016 in connection with the removal of a transformer from that vault had a result of 235 ppm PCB. The vault was cleaned again on June 14, 2016, and the resulting waste was managed as TSCA regulated waste and was not included in the Farrington Flush Facility waste at issue.

### **Proposed Modifications to Sampling Protocol**

In consideration of the depth, width and height of the solid waste piles at the Farrington Flush Facility, Con Edison has reviewed its standard composite sampling protocol. The previous protocol, which was evaluated by the NYSDEC during routine facility inspections, involved sampling after the solid waste pile was deemed full. Beginning in August 2016, Con Edison expanded the sampling protocol to include taking an additional composite sample when the solid waste pile was deemed half full in order to improve the ability to identify potential PCBs in the waste pile. In addition, Con Edison also began using a backhoe as a best management practice to mix the solid waste pile. Con Edison shall continue both practices at the Farrington Flush Facility.

Eileen Field  
Scientist  
Con Edison Co. of New York, Inc.  
EH&S, Environmental Management  
4 Irving Place, 15<sup>th</sup> Floor East  
New York, NY



(o) 212-460-1099  
(c) 917-654-1168  
felde@coned.com